



**ABATE of Michigan, Inc.**

P.O. Box 309 - Milford, Mi. 48381-0309

March 24, 2010

To: House Regulatory Reform Committee  
Re: HB-4747

Representatives:

I am hear today to ask for your support of HB-4747 which will modify Michigan's mandatory helmet law for adult choice.

The issue of the state government MANDATING helmet usage versus individual adults using their own discretion on motorcycle helmet usage has been ongoing since the early 1970's.

"Safetycrats" have claimed continually that if a state modifies their mandatory helmet law, the fatality rates will increase by 20-40%, depending on which taxpayer-funded study that you read. If that were the case then fatalities or more specifically, the fatality rate (fatalities/ 100 accidents), in states that allow "choice" should be 20-40% higher than states with a mandatory helmet law.

The attached graph gives you a factual look at the actual motorcycle fatality data taken from the real numbers provided by the National Traffic Safety Administration (NHTSA) and the Department of Transportation (DOT). They compare states with mandatory helmet laws to those opting for adult choice on this issue. What it clearly shows is that there is NO INCREASE in fatality rates after a state modifies it's helmet law to allow for adult choice. Note the DECREASE in motorcycle fatalities from 1978 – 1997 in ALL states.

There HAS been an increase in motorcycle fatalities in recent years. You will note that it is approximately the same for mandatory law states vs. adult choice states. What this is due to is the dramatic increase in new motorcycle registrations and thus new INEXPERIENCED RIDERS. This points to the importance of rider education and licensing along with public awareness as the real safety issue.

This is a very emotional and controversial issue with a typical comment used by helmet law supporters being that they "know someone who was saved because of a helmet". This is purely a subjective statement and really doesn't address the issue.

There is no state in the union that has increased it's insurance rates with the modification of their mandatory helmet laws and, more importantly, there has been no state that has decreased their insurance rates with the implementation of a mandatory helmet law. When insurance industry representatives were asked this question in Senate hearings, the answer was a simple "NO"

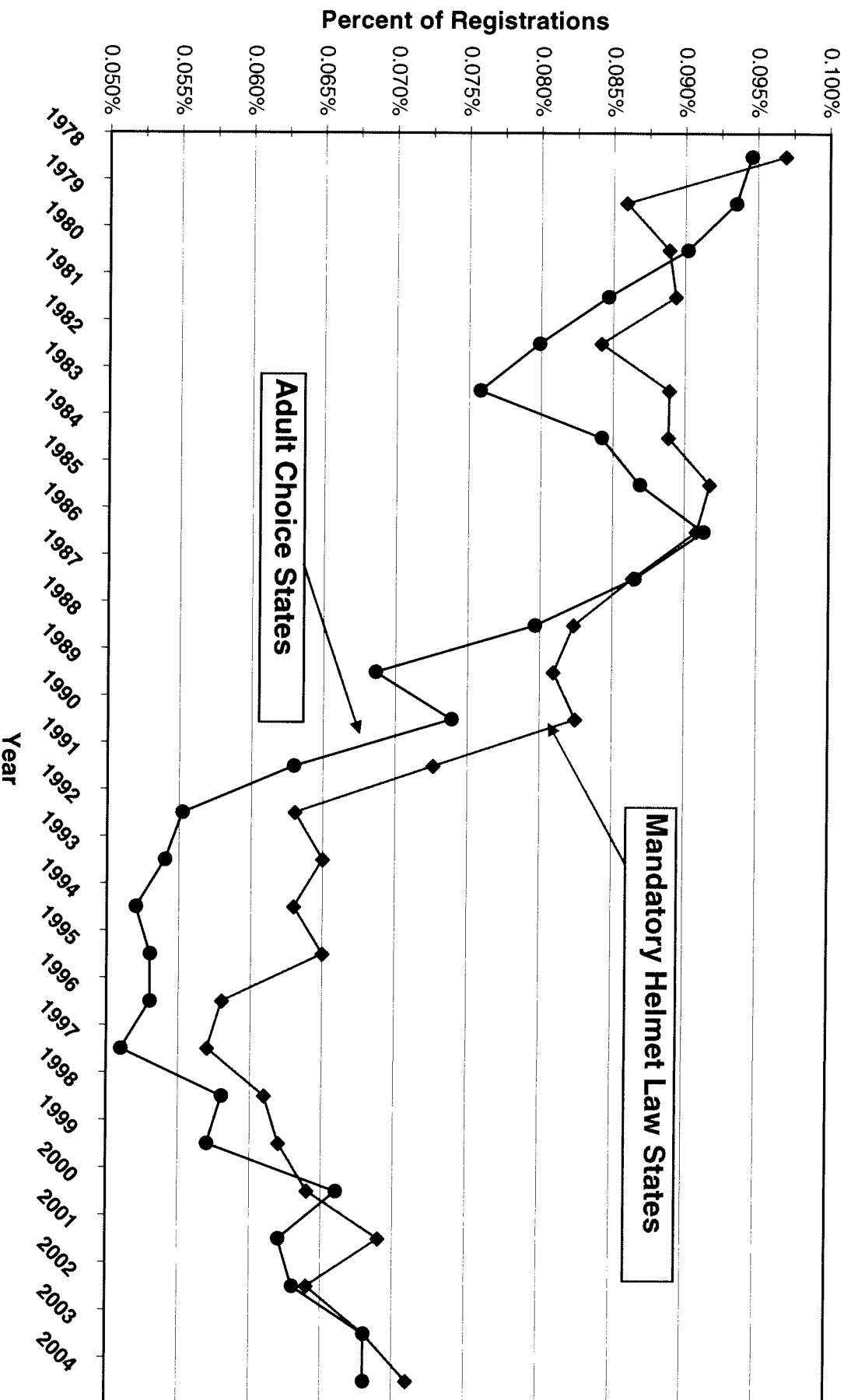
Whether or not you believe in the effectiveness of wearing a motorcycle helmet, the fact is that HELMET LAWS have had no affect on reducing either motorcycle accidents and little affect, if any, on fatalities. The most effective way to stop accidents and thus reduce injuries and fatalities is to provide motorcycle rider courses to make safer riders and motorcycle awareness programs for car drivers.

Thank you for your consideration. Sincerely,

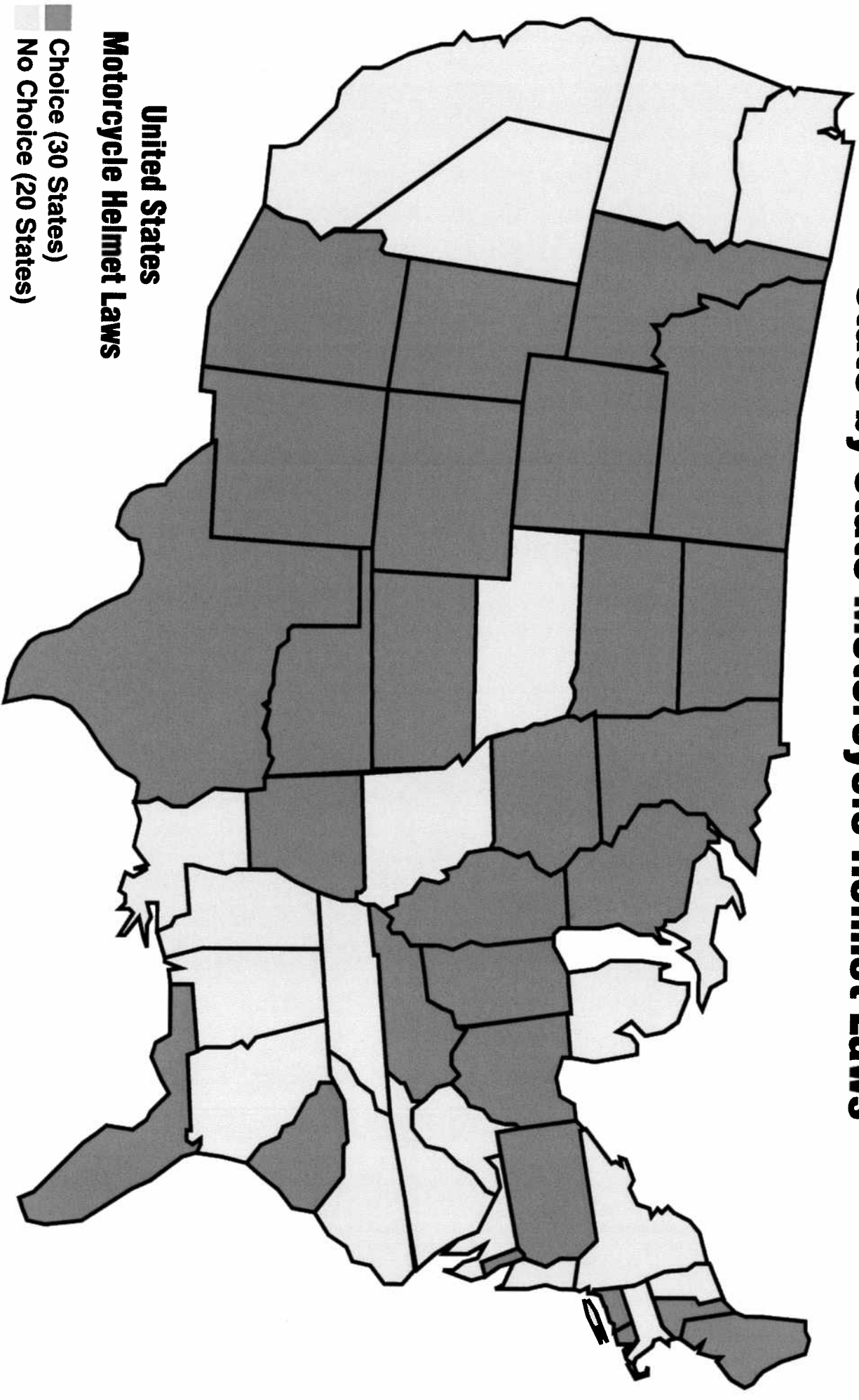
Jim Rhoades,  
ABATE of Michigan – Legislative Director  
Motorcycle Safety Foundation – Instructor/Coach 1979 – Present  
REMCO Remodeling and Design, LLC - President and Owner

# Do Helmet Laws Affect Safety: The Facts

## 50 State Data, Fatalities in Percent of Registrations



# State by State Motorcycle Helmet Laws



-22-2003 WED 02:55 PM EARLY LENNON

FAX NO. 616 226 4378

P. 03

CHAS 1-1-03

**L.J. DRAGOVIC, M.D.**  
*Forensic Pathologist & Neuropathologist*  
44 Beverly Road, Grosse Pointe Farms, MI 48236  
Bus. Ph.: (248) 858-4046 FAX: (248) 452-9173  
Home Ph.: (313) 882-5729 Cell: (248) 343-0854

January 8, 2003

Kristen L. Getting, Esq.  
Early, Lennon, Crocker & Bartosiewicz, P.L.C.  
Attorneys at Law  
900 Comerica Building  
Kalamazoo, MI 49007-4752

**Re: Kanthak v Gallet Securite Internationale, et al.**  
**Your File No.: 138-309**

Dear Ms. Getting:

Pursuant to your request I have reviewed the police records and reports, the medical records of Battle Creek Health System, the deposition transcripts of Ms. Artis, Mr. Lake, Mr. W. Kanthak, Dr. Kress, and Mr. Coles, as well as Dr. Webber's report, in reference to the above captioned matter.

It is obvious that all the major arguments about the particular helmet model have been misdirected by the general misunderstanding of the mechanism of the cranio-cerebral injuries sustained by the deceased, Mr. Thomas B. Kanthak.

As a result of being airborne upon the collision of his motorcycle with the automobile, the back of Mr. Kanthak's head impacted an unyielding surface resulting in brain lag within his skull. This phenomenon is a physical characteristic of a human head in motion, and is in effect with or without ANY helmet on the head.

The particular injury pattern that results from this physical phenomenon includes tearing of the bridging veins, resulting in subdural bleeding and the contre-coup bruises of the surface of the brain opposite to the actual point of impact. The bruises of the brain cortex cause the brain to react by swelling. The brain also reacts by swelling to the pressure on it rendered by the space occupying accumulation of blood in the subdural space; and the combined effect of these two detrimental processes created by the same mechanism of injury, result in brain herniations, loss of control of the vital functions, and death.

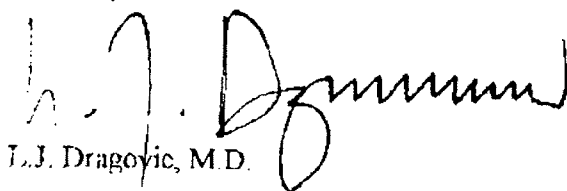
2

While Mr. Kanthak sustained a non-displaced fracture of the occipital bone which was an integral part of the injury pattern, it was not the fracture lines in the bone of the skull that caused his death; rather, it was the severe brain swelling resulting from the subdural bleeding and the contre-coup contusions in the front part of the brain that caused his demise.

The described mechanism is invariably present in this type of head trauma and is irrelevant of presence of absence of a helmet on the head.

I trust this answers your query.

Sincerely,

A handwritten signature in black ink, appearing to read 'L.J. Dragovic', with a large, stylized flourish at the end.

L.J. Dragovic, M.D.